
In The
**United States Court Of Appeals
For The Fourth Circuit**

LATOYA K. BENTON,
Administrator of the Estate of Xzavier D. Hill, Deceased,
Plaintiff – Appellant,

v.

**SETH W. LAYTON, Individually and in his official capacity as a
State Trooper for the Virginia State Police;
BENJAMIN I. BONE, Individually and in his official capacity as a
State Trooper for the Virginia State Police,**
Defendants – Appellees.

**ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE EATERN DISTRICT OF VIRGINIA
AT RICHMOND**

JOINT APPENDIX
Volume III of III – Digital Media

Zachary W. Ezor
TIN FULTON WALKER & OWEN, PLLC
115 East Main Street
Durham, NC 27701
(404) 791-8243

Frederick W. Eberstadt
Erika L. Maley
OFFICE OF THE
ATTORNEY GENERAL OF VIRGINIA
202 North 9th Street
Richmond, VA 23219
(804) 786-2071

Counsel for Appellant

Counsel for Appellees

TABLE OF CONTENTS
Volume I of III

	Page:
Docket Entries.	JA1
Amended Complaint filed June 30, 2022.	JA9
Defendants’ Answer to Amended Complaint filed September 26, 2022.	JA29
<u>Exhibits to:</u>	
Defendants’ Memorandum in Support of Their Motion for Summary Judgment filed February 6, 2023:	
2. Declaration of Benjamin I. Bone sworn February 5, 2023.	JA40
3. Declaration of Seth W. Layton sworn February 4, 2023.	JA53
4. Deposition of Seth W. Layton taken January 27, 2023.	JA62
5. Deposition of Benjamin I. Bone taken January 12, 2023.	JA218
6. Road and Gun, Passenger Seat, Interior And Interior and Cash Photographs.	JA360

Exhibits to:
Defendants’ Memorandum in Support of
Their Motion for Summary Judgment
filed February 6, 2023, Continued:

7. Declaration of William K. Johnson
taken February 3, 2023..... JA380
8. Plaintiff’s Responses to Defendants’
Requests for Admission
dated January 13, 2022..... JA383
9. Virginia State Police Crime Scene Report
completed January 19, 2021..... JA398
10. Firearms Trace Summary
completed January 9, 2021..... JA411
11. Declaration of Justin Cowan
taken February 6, 2023..... JA413
12. Defendants’ Request for Admission
dated December 15, 2022..... JA417
13. Virginia State Police Phone Analysis
completed January 9, 2021..... JA431
14. Phone Extraction Report. JA436
15. Capias. JA457
16. Report of Investigation and Autopsy
dated February 23, 2021 and January 11, 2021..... JA471

TABLE OF CONTENTS
Volume II of III

Page:

Exhibits to:
Defendants’ Memorandum in Support of
Their Motion for Summary Judgment
filed February 6, 2023, Continued:

18. Plaintiff’s Supplemental Responses to Defendants’ First Set of Discovery, With Attached Emails and Text Messages, dated January 26, 2023.	JA485
19. Plaintiff’s Designation of Expert Witness, With Attached Expert Report, dated November 28, 2022.	JA511
20. Declaration of Michael Caudill sworn February 3, 2023.	JA534
21. Statement of Trooper B. I. Bone dated April 28, 2021.	JA537
22. Statement of Trooper Seth W. Layton dated April 29, 2021.	JA544
23. Collection of Commonwealth’s Exhibits.....	JA550
24. Grand Jury Report dated February 25, 2021.....	JA565

Exhibit to:

**Defendants' Notice re: Memorandum in Support
filed February 6, 2023:**

17. Excerpts of Deposition of Kenneth Miller..... JA577

Exhibit to:

**Defendants' Notice re: Memorandum in Support
filed February 7, 2023:**

25. Deposition of Latoya K. Benton
taken January 24, 2023. JA609

Exhibits to:

**Plaintiff's Memorandum in Opposition to
Defendants' Motion for Summary Judgment
filed February 21, 2023:**

3. Virginia State Police Internal Affairs Report
dated May 19, 2021. JA651

7. Richmond Police Department Internal Affairs
Final Investigative Report
dated November 17, 2020. JA676

Exhibit to:

**Plaintiff's Notice of Correction re: Memorandum in Opposition
filed March 16, 2023:**

5. Declaration of Expert Witness Kenneth Miller,
With Attached Designation of Expert Witness
And Rebuttal Report,
sworn March 13, 2023.. JA721

Exhibit to:

**Defendants' Memorandum in Support of Their
Motion to Exclude Expert Testimony
filed March 20, 2023:**

1. Email from Gavin Roe to Ms. Askew
dated March 15, 2023. JA753

Exhibits to:

**Defendants' Memorandum in Support of Their
Motion to Exclude Expert Testimony
filed March 20, 2023:**

- D. Virginia Beach Police Department
Use of Force Guidelines..... JA755

- E. Excerpts of Deposition of Kenneth Miller..... JA790

Exhibit to:

**Defendants' Supplemental Brief in Support of Their
Motion for Summary Judgment
filed April 12, 2023:**

- A. Complete Transcript of Motion for Summary Judgment
Before the Honorable Henry E. Hudson
on March 29, 2023. JA819

Memorandum Opinion

filed May 30, 2023. JA890

Order

filed May 30, 2023. JA919

Notice of Appeal

filed June 22, 2023. JA920

TABLE OF CONTENTS**Volume III of III - Digital Media Exhibit****Page:**

**I hereby certify the following pursuant to the
Digital Media Requirements:**

Exhibit to:

**Defendants' Memorandum in Support of
Their Motion for Summary Judgment
filed February 6, 2023:**

1. Dashcam Video - 23-1680.vob

**This Digital Media is compatible with Windows Media
Players and has been confirmed to be Virus-Free Through
Virus Scan: Webroot SecureAnywhere**